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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,148	05/14/2001	Takeshi Sasaki	NEC 142491	1115

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Norman P. Soloway  
HAYES, SOLOWAY, HENNESSEY,  
GROSSMAN & HAGE, P.C.  
175 Canal Street  
Manchester, NH 03101

EXAMINER
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DUONG, THOI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/855,148

**Applicant(s)**

SASAKI, TAKESHI

**Examiner**

Thoi V. Duong

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-9 ~~is/are~~ pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-4 and 6-9 ~~is/are~~ rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the Amendment filed November 21, 2005.

Accordingly, claims 2 and 7-9 were amended, and claims 1 and 5 were cancelled. Currently, claims 2-4 and 6-9 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art in view of Takanashi et al. (Takanashi, USPN 5,231,527).

As shown in Figs. 1A, 1B, 1C, and 2, Applicant's Prior Art discloses a method for fabricating a liquid crystal display (LCD) panel 20 by the liquid crystal falling drop method, comprising the steps of:

forming a deformable seal member 4 containing second spacers 5 on a TFT transparent substrate 1 such that said seal member surrounds a display area of said liquid crystal display panel;

arranging first spacers 16 on said display area on the TFT substrate;

dropping a volume of liquid crystal 3 onto an area surrounded by said seal member on the TFT substrate;

forming a panel by sticking a color-filter transparent substrate 2 on the TFT substrate with said seal member in a vacuum chamber;

putting said panel under atmospheric pressure to deform said first spacers through a deformation of said panel due to a difference between said atmosphere pressure and a negative pressure inside said panel (Specification, paragraph 13); and hardening said seal member after an inner volume of said panel becomes equal to the volume of said liquid crystal (Specification, paragraph 21), wherein at least one of said first spacers is elastically deformed from an initial size thereof at the center portion of the panel before a gap at the seal member is deformable as shown in Fig. 1B.

Applicant's Prior Art discloses a fabrication method of a LCD panel that is basically the same as that recited in claims 2, 4 and 6-9 except that the initial size of the first spacer in a cell gap direction is not larger than an appropriate cell gap of the LCD panel, wherein a relative value of an initial average size of the first spacers to the appropriate cell gap is within a range of 102.9% to 107.0%.

Takanashi discloses a LCD panel in which spacers 5 have an initial average size 6.0 micrometer (mean particle diameter) and a standard deviation of particle diameter of 0.4 micrometer to produce an appropriate cell gap being set at 6 micrometers (col. 1, lines 8-15, col. 5, lines 63-68 and col. 6, lines 18-50). Accordingly, if the spacers are 6.2-6.4 micrometer in diameter and the cell gap is 6 micrometer, a relative value of an initial average size of the spacers 4 to the appropriate cell gap is 103.3%-106.7%.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Applicant's Prior Art with the teaching of Takanashi by using first spacers having a relative value of an initial average size to the

appropriate cell gap of 103.3%-106.7% to realize a uniform display quality by reducing cell gap deviation (col. 1, lines 8-12).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art in view of Takanashi et al. (Takanashi, USPN 5,231,527) as applied to claims 2, 4 and 6-9 above, and further in view of Hiraichi et al. (Hiraichi, USPN 6,204,907 B1)

Applicant's Prior Art as modified in view of Takanashi above includes all that is recited in claim 3 except for the material of the second spacer which is hardly deformed under atmospheric pressure. Hiraishi discloses, as shown in Fig. 2, a LCD device comprising first spacers 7 which are plastic beads and second spacers which are glass beads disposed in a seal 14 to maintain the gap between a TFT substrate 10 and an opposite substrate 20 and to prevent the problem of inappropriate display in a neighborhood display of the seal 14 (col. 10, lines 16-22).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Applicant's Prior art with the teaching of Hiraishi by having second spacers formed of a material such as glass beads, which is hardly deformed when it is pinched between the substrates under atmospheric pressure so as to obtain a good linearity in the sealing edge and a uniform cell gap for the display (col. 10, lines 16-22).

#### ***Response to Arguments***

5. Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive.

Applicant argued that Takanashi does not teach or suggest the spacer must have an initial size larger than the predetermined value or an appropriate cell gap since Takanashi merely teaches "a range of dimension tolerance" while the size range of spacer in Applicant's invention means "a range of elastically deformation"; and the lower limit of "the standard deviation of the particle diameter" in Takanashi corresponds to "appropriate cell gap" in the invention. Applicant also argued that Takanashi's spacer is hardly deformable and quite different from that of Applicant's claimed invention.

The Examiner disagrees with Applicant's remarks since Takanashi discloses the spacer particles having an elastic modulus in compression (or elastic deformation) and "a range of dimension tolerance" such as a mean particle diameter of 6 micrometers and a standard deviation of 0.4 micrometer in order to produce an appropriate cell gap of 6 micrometers with minimum cell gap variation so as to realize a uniform display quality; Takanashi also discloses that the spacer particles are also made of plastic bead having a high modulus in compression (col. 1, lines 8-15 and 51-54; and col. 6, lines 18-50). Accordingly, it is obvious that the spacer particles are elastically deformed under compression and some spacer particles have an initial diameter of 6.2 to 6.4 micrometers or an initial size of 103.3% - 106.7% with respect to the appropriate cell gap of 6 micrometer to compensate the elastic deformation in order to produce the cell gap with minimum variation as shown in Figs. 2 and 3.

Thus, the spacer particles of Takanashi are not different from those required by Applicant's claimed invention and a prima facie of obviousness has been established.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong



02/05/2006

  
ANDREW SCHECHTER  
PRIMARY EXAMINER